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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/577,294

Applicant(s)

LITWIN, LOUIS ROBERT

Examiner

Phuong Phu

Art Unit

2611

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-12, 14-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 13 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
- Paper No(s)/Mail Date 07/27/09.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the RCE and Amendment filed on 08/27/09.

Accordingly, claims 1-20 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 8, 10-12, 14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz et al (2002/0059434), previously-cited, in view of Seppanen et al (5,903,832), newly-cited.

-Regarding claim 1, Karaoguz et al discloses a network aware mobile device (see figure 4), comprising:

a transceiver (comprising (92)), which identifies plurality of networks with which the transceiver can communicate (see [0044], 0070).

Karaoguz et al does not teach a memory which stores information associating networks with individual user operations which can be performed on each network using the transceiver, as claimed.

Karaoguz et al teaches the mobile device comprises a memory (84) for storing data, a display (98) for displaying data/messages (see figure 4), and he teaches that after said networks are identified, the user is informed via displayed message(s), which are transmitted from said networks and received by the mobile device, about said identified networks and their

corresponding types of services for individual user operations, e.g., voice communications, data communications, etc., which can be performed on each network, (when selected and permitted), using the transceiver (see [0008, 0047, 0048, 0070]).

Seppanen et al teaches that a memory can be used to store received data/message(s) for later retrieving to display them on a display to a user (see col. 6, lines 1-6).

Since Karaoguz et al does not teach in detail how the displayed message(s) are formed and displayed, it would have been obvious for one skilled in the art to implement Karaoguz et al, as taught by Seppanen et al, in such a way that after the messages are received by the mobile device, the memory would store information associating identified networks with individual user-operations/ network-services, which can be performed on each network, (when selected and permitted), using the transceiver, for later retrieving to display the information as the displayed message(s) on the display to a user, so that displayed message(s) would be obtained, as required and expected.

Karaoguz et al in view of Seppanen et al further teaches means (50, 40, 42, 44, 46) for executing the user operations, e.g., voice communications, data communications, etc., when communications with one of the plurality of networks is permitted (see Karaoguz et al, figure 2, [0008, 0038-0040]).

-Regarding claim 2, Karaoguz et al teaches that the transceiver is included in one of a telephone, a personal digital assistant, and a portable computer (see [0003, 0009]).

-Regarding claim 3, Karaoguz et al teaches that the plurality of networks are configurable to include one or more of a wireless local area network and a cellular network (see [0003, 0009-0014]).

-Regarding claim 4, Karaoguz et al in view of Seppanen et al teaches that the memory is configurable to store, for displaying later for user's selection, a user programmable table, which associates user-operations/ network-services with network preferences (see Seppanen et al, col. 8, lines 54-65).

-Regarding claim 5, Karaoguz et al in view of Seppanen et al does not teach whether the user operations is automatically executed, or namely whether the means for executing includes automatic execution of the user operations, as claimed. However, it would have been obvious for one skilled in the art at the time the invention was made to implement means for executing includes automatic execution of the user operations wherein user operations is automatically executed, since it has been held that broadly providing a mechanical means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

-Regarding claim 6, Karaoguz et al teaches a function for determining an identity "network identity information" of a network connected to the mobile device (see [0070]).

-Regarding claim 8, Karaoguz et al in view of Seppanen et al does not teach that the device further comprise a notification feature which notifies a user that information is available for download, wherein the information is automatically downloaded when communication is established with a network selected by the user, as claimed.

As similarly applied to claim 5 and herein incorporated, Karaoguz et al in view of Seppanen et al teaches that information, such as data from a selected network, is configurable to be automatically received/downloaded at the mobile device when communication is established with said network selected by the user.

Seppanen et al teaches that a mobile device can have a display for displaying messages/notifications from a selected network to inform/notify the user about information from the network(see col.6, lines 3-6, 26-30).

It would have been obvious for one skilled in the art, within his skills and upon design preference, to implement Karaoguz et al invention in view of Seppanen et al, as taught by Seppanen et al, in such a way that the mobile device's display would additionally comprise a notification feature which, prior to the information download, notifies the user that the information is available for download, wherein the information is automatically downloaded when communication is established with a network selected by the user, so that with the implementation, the mobile device would be enhanced with an additional feature of notification feature which notifies that user that information is available for download.

-Regarding claim 10, as applied to claims 1-6 and 8 set forth above and herein incorporated, Karaoguz et al in view of Seppanen et al teaches a method for operating the mobile device as a network aware mobile device, comprising: procedures (included the mobile device) of providing the mobile device that is aware of a plurality of networks in which the device is located; configuring the device to perform a selected user operation in at least one specific network; when the predetermined network can be communicated with, permitting the user operation to be performed.

-Regarding claim 11, as similarly applied to claim 4, Karaoguz et al in view of Seppanen et al teaches that the method is configurable to comprise procedure of configuring the device includes assigning user operations to networks.

-Regarding claim 12, as similarly applied to claim 4, Karaoguz et al in view of Seppanen et al teaches that the method is configurable to comprise procedure of assigning user operations to networks includes storing user operation assignments in a table.

-Regarding claim 14, as similarly applied to claim 5, Karaoguz et al in view of Seppanen et al teaches that the method is configurable to comprise procedure of permitting the user operation to be performed includes automatically performing the user operation once communications with an appropriately selected network have been established

-Claim 15 is rejected with similar reasons set forth for claim 6.

-Regarding claim 16, Karaoguz et al teaches that procedure of identifying the network or networks includes identifying the network the device is in by signaling networks to identify themselves (see [0065]).

-Regarding claim 17, Karaoguz et al teaches that procedure of identifying the network or networks includes identifying the network the device is in by receiving network identification signals (see [0070]).

-Claim 18 is rejected with similar reasons set forth for claim 8.

-Regarding claim 20, Karaoguz et al in view of Seppanen et al teaches that the user operations are configurable to comprise making a phone call, sending email, etc., (see Karaoguz et al, [0010], and Seppanen et al, col. 3, lines 62-64).

Allowable Subject Matter

4. Claims 7, 9, 13 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 08/27/09 have been fully considered.

-As results, claims 7, 9, 13 and 19 are indicated allowable set forth above; and previous claim rejections have been withdrawn.

-Claims 1-6, 8, 10-12, 14-18 and 20, after amended or newly-added, are deemed not allowable because of reasons set forth above in this Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Phuong Phu** whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuong Phu
Primary Examiner
Art Unit 2611

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